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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Kwame Delandro

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EXAMINER

BATES, KEVIN T

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 12/24/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/699,400

Applicant(s)

DELANDRO ET AL.

Examiner

Kevin Bates

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 48-100 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 48-100 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

The declaration was received on February 28, 2001.

The Preliminary Amendment was received on January 26, 2001.

Claims 47 – 100 are pending in this application.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 57 and 72 recites the limitation "wherein starting up operation of the software system over the network" in lines 1 and 2. There is insufficient antecedent basis for this limitation in the claim.

#### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 48 – 51, 53, 58-59, 63 – 66, 68, 73-74, 90 – 93, 95, 97 – 98, and 100 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson (6578142)**

Regarding claims 48, 63, 92, and 98, Anderson discloses a method of integrating a software system over a network (Column 2, lines 26 – 33; Column 3, lines 10 – 12; Column 4, lines 46 – 49), comprising: (a) receiving an order for a software system from a user for a user system at a server over the network (Column 3, lines 49 – 55; Column 9, lines 9 - 11); (b) configuring the user system over the network (Column 5, lines 11 –

21); and (c) installing the software system on the user system over the network (Column 3, lines 57 - 64).

Regarding claims 49, 64, and 93, Anderson discloses that the network comprises the Internet (Column 4, lines 63 - 64).

Regarding claims 50 and 65, Anderson discloses steps of: (d) transmitting the order for a software system to a development facility (Column 3, line 64 – Column 4, line 3); and (e) receiving at least one software application for the software system from the development facility (Column 5, lines 33 – 38).

Regarding claims 51 and 66, Anderson discloses a step of (f) developing at least one software application for the software system (Column 5, lines 33 - 38).

Regarding claim 53 and 68, Anderson discloses the step of (h) developing at least one software application for the software system (Column 5, lines 33 - 38), wherein developing the at least one software application comprises the steps of: (i) receiving user information over the network (Column 5, lines 14 - 17); (j) preparing a project design for the software application based on the user information (Column 5, lines 26 - 30); (k) transmitting the project design to the user over the network (Column 5, lines 25 - 26); (l) receiving user feedback over the network; and (m) revising the project design until the user feedback does not contain change requests (Column 5, lines 33 - 38).

Regarding claim 58 and 73, Anderson discloses the step of (cc) supporting the software system on the user system over the network after start up (Column 5, lines 28 – 30).

Regarding claims 59 and 74, Anderson discloses the step of (dd) starting up operation of the software system over the network (Column 3, lines 48 – 56).

Regarding claims 90, 91, and 100, Anderson discloses a method of integrating a software system over a network, comprising: (a) receiving an order for a software system from a user at a server over the network (Column 3, lines 49 – 55; Column 9, lines 9 - 11); (b) transmitting the order for a software system to a development facility (Column 3, line 64 – Column 4, line 3); (c) receiving at least one software application for the software system from the development facility (Column 5, lines 33 – 38); (d) installing the software system on a user system over the network (Column 3, lines 57 - 64); and (e) starting up operation of the software system over the network (Column 3, lines 48 – 56).

Regarding claim 95, Anderson discloses a software development module configured to develop software over the network (Column 5, lines 33 - 38).

Regarding claim 97, Anderson discloses a supplier link module configured to create supplier links for ordering material over the network (Column 5, lines 33 – 38).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 52 and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson in view of Low (5,218,605).**

Regarding claims 52, and 67, Anderson does not explicitly indicate the step of (g) testing the at least one software application. Low teaches a method of testing a software application from a remote source (Column 3, lines 6 – 9; lines 43 – 52). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Low's teaching of testing software applications remotely in Anderson's remote software installation and development system in order to ensure the functionality of the software applications (Column 3, lines 60 – 63) while not requiring the user to do manual work (Column 1, line 58 – Column 2, line 2).

**Claims 54, 56, 60-62, 69, 71, 75-77, 94 and 96 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson in view of Kekic (6272537).**

Regarding claim 54 and 69, Anderson discloses the steps of (n) developing at least one software application (Column 5, lines 33 – 38); (o) creating supplier links for ordering material over the network (Column 5, lines 36 – 38); but does not explicitly indicate the steps of (p) customizing a screen design for the software system over the network; and (q) integrating the at least one software application, the supplier links and the screen design for the application to produce an integrated software system. Kekic teaches customizing a screen design for the software system over the network (Column 5, lines 36 – 39; Column 8, lines 42 – 49; Column 9, lines 4 – 8). It would have been obvious to one of ordinary skill in the art to include Kekic's screen design system if a screen design needed to be added to Anderson's computer system if the system to allow a user interface that is configured to have the elements of the system network hardware add software applications (Column 5, lines 25 – 30; 52 – 56). Anderson

combined with Kekic would lead to the integrating of at least one software application, the supplier links and the screen design for the application to produce an integrated software system because it would have been determined together (Anderson, Column 5, lines 14 – 17) and combined to provide the additional content to the user system (Anderson, Column 5, lines 17 – 21).

Regarding claims 56 and 71, Anderson in view of Kekic discloses that installing the software system on a user system over the network comprises the steps of: (z) installing human machine interface software (Kekic, Column 9, lines 4 – 8) and the at least one software application onto the user system over the network (Anderson, Column 3, lines 57 – 59); and (aa) transferring the integrated application from a development system to the user system over the network (Anderson, Column 5, lines 14 – 21).

Regarding claims 60, 61, 62, 75, 76, 77, and 94, Anderson in view of Kekic discloses that the user system comprises at least one of a personal computer and a mainframe (Kekic, Column 13, lines 50 – 52, Column 20, lines 54 – 55), a network (Kekic, Column 13, lines 37 – 38), and a power management control system (Column 5, lines 9 – 13, where the network elements being managed could be power monitoring and control devices).

Regarding claim 96, Anderson in view of Kekic teaches a screen design module configured to customize a screen design over the network (Column 5, lines 36 – 39; Column 8, lines 42 – 49; Column 9, lines 4 – 8).

**Claims 57, 72, 78-89, and 99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson in view of Kekic as applied to claims 54 and 71 above, and further in view of Low (5,218,605).**

Regarding claims 57 and 72, Anderson in view of Kekic discloses that starting up operation of the software system over the network comprises a step of (bb) configuring user devices over the network to support the software applications (Kekic, Column 5, lines 30 – 33), but do not explicitly mention the step of testing the software system on the user system. Low teaches a method of testing a software application from a remote source (Column 3, lines 6 – 9; lines 43 – 52). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Low's teaching of testing software applications remotely in Anderson's remote software installation and development system in order to ensure the functionality of the software applications (Column 3, lines 60 – 63) while not requiring the user to do manual work (Column 1, line 58 – Column 2, line 2).

Regarding claims 78, 84, and 99, Anderson in view of Kekic discloses a method of integrating a software system over a network comprising: (a) receiving user information over the network (Anderson, Column 5, lines 14 - 17); (b) creating at least one software application based on at least the received user information (Anderson, Column 5, lines 26 - 30); (c) configuring a user system over the network (Anderson, Column 5, lines 11 – 21); (d) downloading the at least one software application to the user system (Anderson, Column 3, lines 57 – 64); (e) configuring user devices over the network to support the at least one software application (Kekic, Column 5, lines 30 –



33); but does not explicitly mention the step of (f) testing the at least one software application over the network. Low teaches a method of testing a software application from a remote source (Column 3, lines 6 – 9; lines 43 – 52). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Low's teaching of testing software applications remotely in Anderson's remote software installation and development system in order to ensure the functionality of the software applications (Column 3, lines 60 – 63) while not requiring the user to do manual work (Column 1, line 58 – Column 2, line

Regarding claims 79, 80, 81, 82, 83, 85, 86, 87, 88, and 89, Anderson in view of Kekic discloses that the user system comprises the Internet (Anderson, Column 4, lines 63 - 64), a personal computer (Kekic, Column 20, lines 54 – 55), a mainframe (Kekic, Column 13, lines 50 – 52), a network (Kekic, Column 13, lines 37 – 38), and a power management control system (Column 5, lines 9 – 13, where the network elements being managed could be power monitoring and control devices).

**Claims 55 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson in view of Kekic as applied to claims 54 and 71 above, and further in view of Murphy (5768148).**

Regarding claims 55 and 70, Anderson in view of Kekic discloses that customizing a screen design comprises at least one of the steps of: (r) creating a new human machine interface project (Kekic, Column 5, lines 36 – 39); (s) starting up a configuration application over the network (Kekic, Column 6, lines 22 – 25); (t) adding devices using the configuration application (Kekic, Column 7, lines 2 – 11; Column 38,

lines 19 - 21); (u) adding trend points to a historical database (Kekic, Column 28, lines 3 – 13); (v) creating a one line diagram screen (Kekic, Column 32, lines 48 – 55); (w) creating trend and tabular screens for each device (Kekic, Figure 6A and 6B; Column 27, line 66 – Column 28, line 13); (x) setting passwords for each user (Kekic, Column 54, lines 15 – 22); but Anderson in view of Kekic does not explicitly indicate the step of (y) testing the screen design with a dynamic data exchange simulator to ensure functionality. Murphy teaches a dynamic data exchange simulator that has the purpose of testing a server system to ensure the correct operation of the system and its communication functions (Column 6, lines 46 – 64). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a dynamic data exchange simulator Anderson in view of Kekic's system in order to test their server system to provide a more stable test system for the system because it does not involve the network elements (Column 6, lines 48 – 51).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U. S. Patent No. 6202070 issued to Ngyuen.

U. S. Patent No. 5349643 issued to Cox.

U. S. Patent No. 5870610 issued to Beyda.

U. S. Patent No. 6324578 issued to Cox.

U. S. Patent No. 6260160 issued to Beyda.

U. S. Patent No. 5897635 issued to Torres.

U. S. Patent No. 5717930 issued to Imai.

U. S. Patent No. 5859969 issued to Oki.

U. S. Patent No. 5755847 issued to Kirouac.

U. S. Patent No. 5742829 issued to Davis.

U. S. Patent No. 6182275 issued to Beelitz.

U. S. Patent No. 6243745 issued to Casey.

U. S. Patent No. 5950010 issued to Hesse.

U. S. Patent No. 5867713 issued to Shrader.

U. S. Patent No. 6522987 issued to Flink.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (703) 605-0633. The examiner can normally be reached on 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800.

KB  
December 12, 2003

  
**HOSAIN ALAM**  
**SUPERVISORY PATENT EXAMINER**